

Direction: CITY1524.DSS

Chairman Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:31 p.m. on Monday, March 14, 2016, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

Roll Call: Costa, Erickson, Hatfield, Southworth.....Present
Andersen, Brown, Crowley.....Absent

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of February 29, 2016

Chairman Erickson asked for any comments or modifications to the February 29, 2016 minutes. Development Coordinator Schemmel noted that Staff had one change, correcting the Chairman's name on the bottom of the notes.

Moved by Commissioner Hatfield, seconded by Commissioner Southworth, the Plan and Zoning Commission approve the corrected minutes of the February 29, 2016 meeting.

Vote: Costa, Crowley, Southworth.....Yes
Erickson.....Abstain
Andersen, Brown, Hatfield.....Absent

Motion carried.

Item 2 – Public Hearings

There were no Public Hearing items on the agenda.

Item 3 – Old Business

3a. Amend Title 4 (Health and Safety Regulations) and Title 9 (Zoning) to establish regulations pertaining to solar energy systems - City Initiated – AO-002916-2015

Chairman Erickson requested that Development Coordinator Schemmel provide an update.

Ms. Schemmel stated that the information provided to the Commission for review was very similar to the first packet. A summary of comments received at the previous Commission meeting and options to consider had been included in the staff report. Additional pictures of ground mounted systems were provided as requested by Commissioner Crowley, including pictures of the back of the solar arrays. Ms. Schemmel noted that if the color of the wires and equipment are similar to the color of the array back they tended to disappear from view. There was discussion on the appearance of the back of an array and concern expressed if this view was facing a neighbor.

Commissioner Hatfield questioned whether the public had been informed about the changes, as they were only provided to the Commissioners. Development Coordinator Schemmel responded that the summary of the comments and options included as part of the staff report were posted on line however the comment provided on the dais had been received after the memo was posted. Commissioner Hatfield requested to have questions answered at this time. Development Coordinator Schemmel noted that comments could be received at the Commission's discretion. Chairman Erickson then announced that the public hearing was closed but that the Commission would allow citizens to comment.

Commissioner Hatfield questioned what process citizens would go through, where it was defined, and

what would be the cost associated for permitting to install solar installation.

Development Coordinator Schemmel responded that the process is noted in the ordinance and for residential application, the customer would apply for a building permit, with the permit fee cost would be based on valuation of the project. For commercial use, there would be a site plan application, either as a minor modification or major modification.

Commissioner Hatfield inquired about installations already in place before the ordinance was passed, by installers not knowing they needed a permit. Ms. Schemmel pointed out that two installers did ask, and others have not. There would be a public outreach process to inform citizens once the ordinance was approved by Council.

Commissioner Hatfield stated he had other questions that had more to do with Iowa Environmental Council's comments so he would wait until that part of the discussion to bring those up.

Chairman Erickson asked if there were any other questions for Ms. Schemmel. As there were none, he opened the floor to anyone who wished to comment on this item.

Bob Renard, 3920 Fisher Drive, Urbandale, stated that he was an Environmental Council member, and represented two large conservation groups, one which focuses on Clean Water, the other on Clear Air. He supported what the Council said in the original letter and secondly their response on March 11th. He voiced his concern that the process proposed for West Des Moines seemed more arduous than that in place in the communities of Urbandale, Boulder, Colorado, and Portland, Oregon, as well as nine other states he had visited. Mr. Renard stated that he had installed two separate systems on his own home, 24 panels in 2013 and 9 panels in 2015, and that these had met Urbandale guidelines. He indicated this was a simpler process than proposed for West Des Moines. He was concerned that requiring that the solar panel structure match the color of the roofing or the siding would mean that the installer would need a service provider on site, or the manufacturer would have to take the metals and match the color of the roof. He thought that put too much of an onus on the owner for the cost to do that. He stated that his panels had been constructed in another state. He approved the size limitations as written; but stated that screening requirements might prohibit full access to the sun. He agreed with using plants for aesthetics and indicated that his panels were basic aluminum, off gray; not any wild colors. He said his neighbors asked about the panels and seemed they are interested in also installing them. He reiterated that the permitting process in Urbandale was very simple, whereas the proposed ordinance for West Des Moines seemed to be an onerous process. He thanked the Commission for allowing him to speak.

Commissioner Crowley arrived at 5:43 p.m. and apologized for being late. Chairman Erickson called for a second roll call. Development Coordinator Schemmel stated that there were five members present, and we had a quorum.

Cindy Lane, 521 East Locust, Des Moines; Climate/Energy Specialist with the Iowa Environmental Council, thanked the Commission for allowing her to provide additional comments and to bring comments, and to Ms. Schemmel for including her comments. She expressed she believes that this could be a particularly strong ordinance. She hoped West Des Moines would include permissive language and not mandatory language. She stated that her personal background was in landscape planning, architecture and law. She felt the aesthetic appeal of solar panels is not unappealing; they are modern. The chain link fence is allowed under the current zoning code and is viewable from the street. She stated that allowing these (solar arrays) and making them economically viable was especially important. She thought that because there were other municipalities like West Des Moines, that this would establish a precedence for the state of Iowa.

Chairman Erickson asked if there were any questions from the Commission for Ms. Lane. Commissioner Hatfield thanked her for preparing two letters to the Commission. He stated that she had

provided a certain perspective on this as a state employee. He also asked if she was comfortable with the ordinance with the modifications as listed in her letter. Ms. Lane affirmed and reiterated her intent to emphasize the use of “should” rather than “shall”, preferring permissive language, that suggests that people incorporate siting that would minimize visual impact of solar panels but that it’s not mandatory; people would not be required to site solar panels with the primary objective of trying to visually minimize, because that might now allow them to take into account site constraints or other issues that would impact the functioning of the solar panels. Visual aesthetics would take priority, if that was a mandatory requirement. So permissive language that they be sited or screened to minimize their impact. Commissioner Hatfield questioned whether she had reviewed other city ordinances or is this was the first. Ms. Lane responded that there were a few in Iowa but not many; noting that WDM will definitely be one of the largest and fastest growing municipalities adopting solar ordinance. She stated that the City of Des Moines was preparing a solar ordinance and her understanding from a Register article was that there would be no aesthetic screening requirements under that ordinance. Commissioner Hatfield commented that most of the Commission was familiar with the 2036 plan for the City, and one of the key things in there this speaks to is strategy for West Des Moines to be a leader in sustainability. He believed there was a real opportunity here to take one step toward that strategy. Ms. Lane agreed that this did speak to the sustainability goals.

Commissioner Southworth questioned what the Environmental Council’s position take is on a group of residents in a townhouse development or condo development or neighbors who want to get together and install solar. Ms. Lane answered that the Energy portion of the Council she serves was recently involved with the Cedar Falls Project, and that large scale solar should definitely be addressed, but it’s her understanding that it would be separately from this ordinance. She encouraged the City to do this, because it’s a really important option when onsite solar can’t be available. Commissioner Southworth asked how this proposed ordinance would fit with that concept. Ms. Lane replied that this proposed ordinance would not permit large scale community solar. The Council did not support that omission but felt comfortable with it being addressed in a separate action.

Commissioner Southworth asked how the proposed ordinance would be affected by future solar technology. Ms. Lane stated that it would be hard for her to answer; she’d have to look into that more.

Chairman Erickson asked if there were any other questions. Noting there were none, he thanked Ms. Lane.

Mr. Jake West, 4842 Wistful Vista Drive, stated he works for the renewable energy side of Van Wall Energy/John Deere, installing wind turbines and solar panels. He informed the Commission that they install wind energy in rural Iowa and also have done about half a million dollars in solar panels. He stated he was present just to get clarity from the Commission regarding their position on solar installations. He had been quite shocked to read the article in the Register with some of the language about ground mounted solar array being covered by siding products. As a solar installer that didn’t make sense to him. He was glad to hear that hopefully the language wasn’t set on just covering up the system. For a ground-mounted system to hopefully incorporate the optimal tilt angle of 30-32 degrees, it would put their arrays up at about 8’ in the back. He asked for clarification regarding the 7’ height restriction.

Commissioner Crowley asked Mr. West if he were to put a solar array on his house or in his backyard, and which direction his house was oriented, where would he put it. Mr. West replied his home was oriented SE/NW and that he that he would do a roof mounted, and that in not all situations would a ground mount be practical. He said he had a landscaping background; and had been taught to plant trees on the south side of homes for shade, and that there were so many trees in his yard he couldn’t put up a solar array. But sometimes a ground mount makes more sense because of the direction the roof is facing. Commissioner Crowley asked if he would want his neighbor to put one where he would look out his window and see it. Mr. West replied that he would, and wondered what the big issues were. He offered to show more pictures of projects. Mr. West presented a picture of the backside of an array, he

questioned whether that was any worse than a swing-set or cable dish? He believed to put a wall back there with siding would look ridiculous; but a planting of arborvitaes or similar was a great option. It would cost the homeowner more, but if that was their only option so it wasn't mounted on the roof where it was more pronounced, then that would have to be done. Commissioner Crowley asked what the payback on solar is right now. Mr. West responded that it was 3 1/2 – 4 years for a commercial project; 6 yrs. for residential where one could not deduct the depreciation; utilizing state and federal tax credits.

Chairman Erickson asked whether anyone had any questions and added that Mr. West had asked a specific question about the height requirement. Development Coordinator Schemmel clarified that the current ordinance does not require the panel itself to match the roof color, it's just that if the structure or the mechanical equipment is visible on a flat roof system then it should be the similar in color as the surrounding materials to help it blend in. The ordinance currently provides two options for screening. One is an enclosure, which is probably the most economical way to screen it as far as length. One could also use a free standing screen wall. If the array was not visible, no screen would be required. The Commission had discussed landscaping, and she said it was up to the Commission if they want to move forward with that option. She said the height limitations for ground mounted systems were determined based on three foot snow clearance and then using the tallest available common panel and tilting it at a 34 degree angle which resulted in four feet of additional height. The 7 foot height limit will accommodate only a one row system. If a second row was wanted, four more feet would be added. Mr. West inquired whether that referred to a portrait shape. Ms. Schemmel affirmed that this would provide three foot of clearance, four foot panel height, with the 34 degree tilt required for this latitude. Chairman Erickson commented that the height issue was on for discussion tonight, and that there would be additional discussion.

Mr. West stated there are other options for setting the panels up, and that they use a four-panel up in the landscape position, which reaches about 8 foot up in the back. They believed they could get the most bang for their buck this way, with the least amount of racking, still meeting 100 mph wind tolerances and snow load tolerances. If the Board can raise the height limit to 8 foot that would be great.

Chairman Erickson commented that the maximum height to make these viable was something they were all wrestling with. Although many of them would agree with Mr. West's opinion regarding aesthetics, there are some people who, when suddenly finding their view changed to a solid wall of what they see as a utility structure, a lot of people would take a lot of exception to this; one can see through a swing-set. He said it was incumbent on the panel to understand both things. He expressed the Commission's desire to allow functional systems to have a lighter footprint but to also strive for a balance maintaining other people's property rights.

Chairman Erickson asked whether anyone else want to speak to this item.

Jim Miller, 423 34th Street with the Valley Junction Foundation, placed a photograph on the overhead, stating that this was a picture of the solar array on Historic City Hall, between the Art Gallery and the Theatrical Shop. He said the project was installed using grant funds, but that he had brought the photo to showcase what someone could do with their building. He noted that the array is five years old and people still visit to see the system. This is a 3,000 SF building, and the electric bill is now well under \$100 a month. When the Foundation first received the electric bill, he called the City to see if it was incorrect. Obviously there is an upfront cost to install this. He said the Foundation is a huge proponent of this. He looks at community solar array and hopes we can see something like that south of Railroad someday. The Foundation works closely with downtown Cedar Falls and they are doing a community solar project, but they do have a community utility which is significantly different. He also pointed out that they are other downtowns, commercial, and other main streets that come to look at the Historic City Hall array. Regarding the 2036 plan, he wants the City and the Foundation be a leader in the sustainability program. He urged the Commission to encourage this as much as possible.

Commissioner Southworth agreed on encouraging this and asked if he felt the current ordinance encouraged this. Mr. Miller replied that he would like to see the language changed from “shall” to “may”, noting that we all have a right to our property. He said there are backyards near him that are quite honestly filled with junk, and he would be thrilled to see a panel rather than that. We all have different opinions. He would see the arrays as savvy. Commissioner Southworth asked again whether he thought the ordinance does encourage use. Mr. Miller replied that he thinks it does; but recommended using little easier language. He felt the structure was not something bad, and commended the city; closing with a call to encourage these types of systems.

Nick Wiese, 6538 Washington Ave, Windsor Heights; stated he was with Ideal Energy Solar. He observed that the triangle shapes for solar panels shown were obsolete; and posted a picture of an array which he said would not be approved by this ordinance. He said it was a picture of one on his parent’s house in Ankeny; 3000 SF, providing a 90% offset of electricity. Regarding height requirements, to stack two panels made a more feasible array; to limit to one would make it stretch significantly further across the yard; having a smaller array but taller in one portion of the yard would be better. He agreed with some of the things about the aesthetics; the back of the array may not be that appealing, but neither are some fences, noting that if someone doesn’t like their neighbor’s fence, they could put up a privacy fence.

Chairman Erickson commented that he assumed Mr. Wiese was a designer, installer; and asked if he did a design, what would be the height of a two-stack panel array. Mr. Wiese replied that it would be 9 feet.

Commissioner Southworth asked whether he had an opinion regarding homeowner preference of ground mount to roof. Mr. Wiese replied that a homeowner would always prefer a roof installation since the roof is already there; they are out of the way; and it’s less likely to be damaged. He wanted to clarify the requirement for matching the roof; if the panels are black and if the owner’s roof the roof is red, should all the attachments be red to match the roof? Structural rail is available in black and in aluminum color. Panels come in black and in aluminum. As long as the colors of the panels matches the structure and is consistent within the array itself, it would lend itself to being acceptable. Commissioner Crowley asked for clarification that the framing only came in black or aluminum color. Mr. Wiese replied that this was what he had seen.

Commissioner Southworth asked if Mr. Wiese was seeing technological advancements in these panels. Mr. Wiese replied that if the question was whether they are going to change size next year, there had been very little change in recent history, other than slight decrease in cost, and increase in efficiency. He did not see a big change unless a totally different technology developed.

Commissioner Hatfield questioned whether Mr. Wiese was aware of solar panels that could be rolled up. Mr. Wiese said that he had seen that and also solar paint, but they didn’t collect enough energy to be effective. He had also seen shingles made out of solar materials, but they would never pay for themselves in a 40 year cycle; cost made them prohibitive. Because utility prices in Iowa are so cheap, they won’t become feasible options until our prices match the rest of the country. Commissioner Crowley noted that he had attended a real estate seminar a few years earlier where they discussed solar; he had asked why we’re not seeing these in Iowa and was told we have the lowest utility rates in the country so the industry hasn’t driven the need to Iowa. He asked Mr. Wiese when his parents would see savings. Mr. Wiese replied that it would take about 10 years. He said it depends on the utility company one is with, due to different rate structures. On MidAmerican, one can see anywhere between a 6-8 year payback for commercial; anywhere from 8-12 years for residential. The estimating they use says our rates are going to catch up with the rest of the country.

Chairman Erickson asked if anyone else had a question. Seeing none, he then closed the comment portion and ask the Commission for continued discussion or a motion.

Commissioner Hatfield observed that it would seem there are a lot of moving parts and the most recent letter from Iowa Environmental Council raised aesthetic concerns regarding screening. He noted that Council took action to defer this until their April 18 meeting – which gives the Plan & Zoning Commission this meeting and another in two weeks. He suggested Development Coordinator Schemmel take the letter from the Iowa Environmental Council, and comments from tonight and put any additional tweaks in the ordinance, bringing it back in two weeks. Development Coordinator Schemmel commented that the more direction staff is given, the more helpful it would be to finalize the ordinance.

Commissioner Crowley stated that he had done a little homework and polled WDM residents out of curiosity. He believed most people didn't want their neighbor to have a solar array in their backyard. He said it was not as attractive as a swing-set. He liked the roof-mounted units and that one could get black/gray and blend it in. He said he was for sustainability, but felt it could create neighbor issues and recommended careful screening. He understood about functionality and was probably ok with 8 feet; but a free-standing array would be a last resort when a roof-mounted unit would not be feasible.

Development Coordinator Schemmel said that Staff believes we need both options, roof orientation may not allow proper exposure, or structurally a roof could not support a system. Discussion occurred on how hard it is to define when roof mounted systems are too difficult as a trigger before ground mounted systems would be allowed. Staff would hesitate to go that direction but would certainly accommodate if that was the Commission's intent.

Commissioner Southworth asked whether it would be possible to structure an ordinance that would allow roof mounted units and then put in language that would allow the Board of Adjustment to grant ground mounted units under certain circumstances. Ms. Schemmel answered that using the Board of Adjustment for approval isn't the best practice; they could not deny a system if it meets the requirements set in the ordinance. Staff preference would be to mitigate the visual aspects rather than preventing them or keeping them only in the case that a roof mounted system would not work.

Commissioner Southworth raised the question if someone puts in a ground mounted display, and their neighbor wants a garden, but that neighbor's display blocks their sunlight what happens. Development Coordinator Schemmel replied that any structure on a lot could do that. Chairman Erickson said that's why there are setback requirements. Ms. Schemmel agreed.

Chairman Erickson suggested that the Commission should give Ms. Schemmel some feedback issue by issue.

On the height issue, for the most part, he felt that the Iowa Environmental Council got a lot of things right, but that 15 feet was problematic. A lot of people would give exception to that given what Commissioner Crowley said. He said he had heard a lot about 7-9 feet tonight, and asked what the temperature was on the subject among the Commission members.

Chairman Crowley commented that a basketball hoop is 10 ft. He thought 9 ½ feet could get a second panel in, so for him 9 ½ - 10 would be about it. Commissioner Hatfield agreed that this was reasonable. On the issue of color matching the structure and roofing material; the paint colors may not be available; painted aluminum may peel long term.

Commissioner Crowley interjected that he had gone to Urbandale to see the house of the gentleman present. He said that Mr. Renard has a red roof and white/aluminum colored trim, and he did not find it to be attractive; but he didn't know how one would match a red roof.

Chairman Erickson asked if the Commission wanted to make an issue that they didn't want white on the roof, or blue. Commissioner Crowley commented that most shingles have some shade of brown, gray or black; the black might be least offensive; and that white anodized aluminum would stand out.

Commissioner Hatfield commented that it depended on the roof material. For flat roofs, most of the current roofs are white. Chairman Erickson observed that in that instance they would be screened by a parapet and not be visible. Ms. Schemmel stated that for flat roof mounted systems, the ordinance allows for the frame and equipment to match the adjacent building material rather than screening it.

Chairman Erickson commented that he was not hearing a good direction about painting the frame. Commissioner Hatfield replied that he wouldn't recommend it. Chairman Erickson said that he would prefer that they stick with a manufacturer's finish as close to the surrounding materials as possible. Regarding language for ground mounted systems, "shall" versus "should"; location in the yard is flexible. He asked if the City was going to require screening for the visible parts of the array. Ms. Schemmel wanted to confirm if the Commission was in favor of modification B, with the change recommended in the comment letter from the Environmental Council suggesting the use of "should" rather than "shall."

Commissioner Hatfield approved using siting on the lot (modification B) to minimize the impact on a neighboring property, and choosing landscaping rather than trying to construct some type of fence. Commissioner Crowley concurred, asking if it would be appropriate to paint a ground mounted structure.

Ms. Schemmel reviewed the possible options for mitigating the undesirable features of a ground mounted systems. Additional discussion among the Commission members occurred. Ms. Schemmel replied that the purpose here is to give applicants enough viable options for screening to address the specifics of their site. Options discussed so far were a screen wall or fence, landscaping or siting the system.

Commissioner Crowley commented that if this is a 10 or 15 year old array, it might impair the home value. Development Coordinator Schemmel reminded the Commission that there is a provision in the ordinance to go through a nuisance enforcement process if someone just leaves it there. If the array is not being used, repaired or maintained, it can be addressed.

Commissioner Hatfield made the observation that if a spot was found that would allow the proper solar; a 10 foot array could be allowed. But with a 6 foot fence, it would be visible over the top of the fence. Development Coordinator Schemmel noted that the proposed ordinance would allow a fence for screening purposes to exceed height maximums of a standard fence. She noted that a screen fence was something that is installed around the equipment, not at the property line. The fence at the property line would still stay at the 6 foot maximum height. Chairman Erickson commented that he doesn't like fences either; vegetation would be preferred. Commissioner Hatfield said that they were just talking about screening on three sides.

Chairman Erickson questioned if it was just areas one could view the array from which would require screening. Ms. Schemmel replied that it was needed when visible from the public way, or a neighbor's property, standing at ground level – not from a 2nd floor window. From the 2nd floor, chances are one would see the array panels and not the frame. Chairman Erickson responded that in that instance he would be comfortable with more flexibility. Commissioner Hatfield interjected that minimum maintenance was preferable.

Development Coordinator Schemmel clarified that the Commission was not pursuing option B, but was choosing modification A. Chairman Erickson replied that Staff could do option B, and could site it to minimize visual preference, but given the actual ¼ acre lot size in WDM it wouldn't make much difference. He stated that the City is asking the owner to be sensitive in siting it as much as possible, and then to screen. Development Coordinator Schemmel agreed to wordsmith it.

As it relates to the size of a ground mounted system, Chairman Erickson noted the possible modification

that these are allowable at 100% that of an accessory structures. Commissioner Hatfield commented that it would be question of cost to the applicant; having the flex for a system that's large enough to do a whole house makes sense; the example Jim gave at the old City hall makes sense.

Chairman Erickson asked if there is a reason the array size should be limited to 50% of the allowed accessory structures and asked the Commission for feedback. Commissioner Hatfield replied that they needed to go back to the reality that the federal government and state are providing tax incentives to do this. He stated that he didn't want to be in a corner where an applicant can't do this; where they go to the State and say they can't put in an array because of our restrictions. Development Coordinator Schemmel stated that houses will vary quite a bit in energy consumption; but with an average efficient home the proposed limit of 50% of the accessory structure size could furnish 50-100% of the home's energy needs, but a really inefficient house wouldn't be able to achieve those percentages..

Chairman Erickson asked the Commissioners if they were ok with the size modification. Commissioner Hatfield, Southworth and Chairman Erickson replied that he agreed. Commissioner Crowley said he did not.

Development Coordinator Schemmel clarified that they were examining modification B for the area ratio, so one could go up to 10 percent of their lot area. Chairman Erickson affirmed that this was what they were talking about.

Chairman Erickson moved on to the setback requirements for commercially zoned properties possible modification A, which was the commercially zoned property side yard. Ms. Schemmel stated that this was part of the discussion they had with the Iowa Environmental Council. Many commercial buildings are not set close to the front yard setbacks and if one had to put an array back behind the building, it could be problematic on providing enough of a footprint to locate a system. In residential areas this is not so much of a problem as homes are typically located close to the front yard setback. Chairman Erickson summarized to Ms. Schemmel that the Commission was approving this possible modifications.

Chairman Erickson said there were a couple roof issues; number 1 is making the maximum height 18" off the roof, to allow more flexibility and sloping of panels; the Commission did not have a problem with that. Commissioner Hatfield said that some roofs in WDM are 3/12 and will need that. Chairman Erickson asked about how restrictive the yes and no's on the roof arrangements were and said he'd like to see some language addressing organizing them as cleanly as possible but if the angled units are not available, then what is available being allowed. Ms. Schemmel replied, that as long as there was a consistently arranged panel, to help blend into the roof system, realizing there are vents and chimneys one has to work around, we want to avoid a visual issue. Chairman Erickson noted there are a variety of things on the roof, we don't want a hodgepodge up there, but we do want to provide for people to deal with the roof they have.

Commissioner Hatfield noted that he had observed a non-conforming roof mounted array on the corner of Ashworth and 19th Street; not visible from Ashworth but visible from 19th when travelling north. There are two sets of arrays with a plumbing stack between them but they are aligned from one side to the other, they are separated around the edge so that one can safely work on them and walk around. He felt it was a good example. He commented that installations such as these should be grandfathered in, as one of the things he felt had been proven tonight was that since there wasn't an ordinance if people put something in, it was illegal. He did not believe the City would take action on systems installed prior to the ordinance. He questioned whether there needed to be something included in the ordinance about existing systems. Commissioner Southworth concurred. Development Coordinator Schemmel agreed, stating this could be included in the non-conforming section of city code or specifically cited in the proposed ordinance. Commissioner Hatfield stated that he thought that would be helpful for those already installed. Ms. Schemmel noted that there would need to be a caveat that if the City found a system that was jeopardizing life safety, that it would need to be addressed immediately.

Chairman Erickson asked Ms. Schemmel if this discussion provided enough direction for her to complete the draft. Commissioner Hatfield interjected a question regarding whether or not one property owner could install, and adjacent property owner could plant items which would shade the array. He wondered whether we should have a no-build clause; which might preclude the neighbor from coming in and planting a whole row of evergreens along the property line. Development Coordinator Schemmel replied that the city could provide information on the application form cautioning the owner that they may need to protect their solar rights through a private agreement with a neighbor.

Commissioner Southworth suggested that it should be a caveat that goes with the property. Development Coordinator Schemmel responded that the City would not require an easement. It would be a private agreement as part of the property owner's obligation to protect exposure for their solar array. Chairman Erickson noted that the adjoining property would have to grant the easement. Development Coordinator Schemmel answered that a no-build easement is not that unusual.

In regards to community or utility scale systems, Development Coordinator Schemmel noted those systems would be considered a primary use, and be regulated differently. If there was interest in allowing those types of systems, there would be a separate ordinance amendment for anything that produces more energy other than for just the property owner. Commissioner Southworth applauded Ms. Schemmel and her staff.

Chairman Erickson asked if anyone else would like to speak to this item; seeing none, asked for continued motion to continue this item to the next meeting, allowing Ms. Schemmel and Staff time to craft the final version of the ordinance.

Moved by Commissioner Hatfield to continue the item to the next meeting, seconded by Commissioner Crowley, the Plan and Zoning Commission

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
Brown, Andersen.....Absent
Motion carried.

Item 4 – New Business

Item 4a Preliminary Plat – Delavan Plat 3, Southeast corner of EP True Parkway and S 26th Street – Subdivide the property and merge 3 lots into 2 lots – Capital Homes of Iowa – PP-002984-2016

Ed Arp, Civil Engineering Consultants, representing Capital Homes of Iowa, stated that this project was previously reviewed with the original BEH Farm PUD. He noted that some additional right-of-way would need to be taken and provided as a street lot. The intent of this plat is to combine the existing property and outlot into two lots, the west side for townhomes and the east side for light industrial.

Chairman Erickson asked if there were any questions. Hearing none, he referred it back to Staff. Planner Munford noted that this project will need to come back through the development review process with a site plan prior to further development.

Chairman Erickson noted that the last time the Commission heard this, there was fairly strong neighbor reactions about creating traffic; although there was now decreased traffic from the original proposal but it still is a concern. He stated that they knew this would go forward but were looking to see if there was some help for the residents in this area. Planner Munford replied that the site plan would consider the traffic issues; this action was simply to enable a sale to occur.

Commissioner Crowley asked if this project would lower the density. Development Coordinator Schemmel affirmed that the density would be lower than the original land use proposal.

Chairman Erickson asked if anyone else would like to speak to this item; seeing none, asked for continued discussion or a motion.

Moved by Commissioner Costa, seconded by Commissioner Hatfield, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Site Plan.

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
Brown, Andersen.....Absent
Motion carried.

Item 4b – Preliminary Plat – Mill Ridge, Southwest corner of S. 88th Street and Stagecoach Drive – Plat property into 60 lots for single family development, 240 lots for townhome development, 4 lots for common areas, 7 street lots and 1 outlot for detention – Hubbell Realty Company – PP-002931-2015

Josh Trygstad, Civil Design Advantage, 3405 SE Crossroads Drive, Grimes, requested on behalf of Hubbell Realty to plat 64 acres with the majority of the property for medium density and the western portion for single family lots. The plat is accessing utilities off Sugar Creek Drive; both sanitary and water main. Storm-water detention is provided. Of the 60 single family lots; 31 will be built in Phase 1. Of the 240 medium density lots, 75 are being constructed in Phase 1. Zoning was addressed with an amendment to the Tallyn's Reach PUD approved last fall. Commissioner Crowley commented that it was a nice plan.

Chairman Erickson asked if Staff had anything to add. Planner Munford stated that Stagecoach would be completed as a City project in conjunction with this project. Future modifications to the plat for the townhomes along S. 91st Street could occur if the developer chooses to change the site plan. If that occurs, the applicant may need to come back through the platting process. He also noted there were a number of existing easements and street right-of-way that will be vacated via a separate approval process.

Chairman Erickson questioned whether there were any offsite public improvements with this. Mr. Trygstad replied that there were none. All of the utilities along Sugar Creek have been constructed. Stagecoach has been constructed halfway to the greenway and the remainder would be completed as part of the City's project. A stub for Harper Lane that in the previous development plan was to be extending through will be removed. These improvements have already been through engineering's review and the applicant has addressed 99% of the comments.

Chairman Erickson asked if anyone else would like to speak to this item; seeing none, asked for continued discussion or a motion.

Moved by Commissioner Crowley, seconded by Commissioner Southworth, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Site Plan

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
Andersen, Brown.....Absent
Motion carried.

Item 4c – Major Modification - Microsoft Alluvion, 550 SE White Crane Road – Approval to allow two additional temporary tents – Turner Construction Company – MaM-003019-2016

David Bowes, 6565 Wistful Vista Drive, WDM, representing Alluvion requested approval to add two temporary tents and relocate existing storm structures from Phase 1 closer to the current work area.

Chairman Erickson asked whether the staff had anything to add. He then asked if anyone else would like to speak to the item; seeing none, asked for continued discussion or a motion.

Moved by Commissioner Hatfield, seconded by Commissioner Costa, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Major Modification.

Vote: Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
Andersen, Brown.....Absent
Motion carried.

Item 5 – Staff Reports

There were no staff reports.

Item 6 - Adjournment

Chairman Erickson asked for a motion to adjourn the meeting.
Motion by Commissioner Southworth, seconded by Commissioner Costa, to adjourn the meeting.
The meeting adjourned at 6:51 p.m.

Craig Erickson, Chairman

Jennifer Canaday, Recording Secretary